

REPORT - PLANNING COMMISSION MEETING
July 14, 2005

Project Name and Number: Starlite Co-location Sprint PCS Conditional Use Permit (PLN2005-00228)

Applicant: Sprint PCS

Proposal: To consider a Conditional Use Permit for the construction of a co-locatable 65-foot monopole wireless telecommunication facility and equipment cabinets.

Recommended Action: Approve, based on the findings and subject to the conditions.

Location: 47951 Westinghouse Drive, Industrial Planning Area

Assessor Parcel Number(s): 519 1681 030 00

Area: Lot area: 5.02 acres; Project area is approximately 460 sq. ft.

Owner: Balch Enterprises Inc.

Agent of Applicant: Steve Christenson, NSA Wireless, Inc.

Consultant(s): ATI Architects and Engineers

Environmental Review: This project is categorically exempt from CEQA review per Section 15303, New Construction or Conversion of Small Structures

Existing General Plan: Restricted Industrial

Existing Zoning: I-R, Restricted Industrial

Existing Land Use: Industrial park

Public Hearing Notice: A total of 78 notices were mailed to owners and occupants of property within 300 feet of the site on the following streets: Camphor Avenue, Hammond Avenue, Purpleleaf Street, Shato Place, Warm Springs Boulevard, and Westinghouse Drive. The notices to owners and occupants were mailed on June 28, 2005. A Public Hearing Notice was delivered to The Argus on June 28, 2005 to be published by June 30, 2005.

Project Description: The applicant is proposing to construct a 65-foot tall slim line monopole with six panel antennas adjacent to the south side of the 80,302-square foot warehouse building on Parcel 1. Two wireless carriers, Sprint PCS and Metro PCS, will be co-locating on the proposed monopole. Each wireless carrier will be leasing approximately 230 square feet of space for the location of equipment cabinets. The total lease area for both carriers combined is approximately 460 square feet. The monopole will be located in the space leased by Sprint PCS. The equipment cabinets will be screened by a 7-foot high masonry unit wall. The lease area and the existing building are separated by an approximately 5-foot landscape strip. The applicant estimates that a technician will visit the site once a month for routine maintenance.

PROJECT ANALYSIS:

General Plan Conformance: The existing General Plan land use designation for the project site is Restricted Industrial. The following General Plan Policy is applicable to the proposed project:

- **Land Use Policy LU 3.3:** Commercial uses providing necessary services for industrial uses and workers and large-scale regional retail and amusement uses may be allowed in industrially designated

areas, with the exception of "Light Industrial." All commercial uses are subject to discretionary review to ensure the use can be served by the existing or planned roadway infrastructure and would not have a significant adverse impact on existing industrial uses in regards to parking requirements, traffic volume and other conflicts in operations. Appropriate non-industrial uses include large scale, regionally-oriented retail and amusement uses as well as uses serving industry and employees, such as copying services, branch banks, eating and drinking establishments, convenience shopping and gas stations.

Analysis: *The proposed wireless facilities will provide necessary telecommunications services for the employees in the industrial district. The applicant has also provided data that demonstrates that the proposed monopole extends improvement of telecommunications services to the residential neighborhoods east of Warm Springs Boulevard.*

- **Public Facilities Goal PF 1:** A range of public facilities and services to meet the health, safety, leisure, cultural, and general governmental needs of all Fremont residents.

Analysis: *Telecommunications facilities are public utilities, which provide communications systems to meet the needs of residents and businesses in Fremont. The telecommunications carriers serving Fremont have previously met with City staff to provide coverage information, and demonstrated that the subject area has coverage constraints. The proposed facility would improve coverage.*

- **Natural Resources Objectives 13.31.1:** Reduce the visual impacts of signs, utilities, and poles.

Analysis: *The proposed location of the monopole is approximately 400 feet from the Westinghouse Drive / Hammond Avenue right-of-way. The monopole and the equipment shelters will be located behind an 80,302-square foot warehouse building, which is 23 feet in height. The proposed monopole is a slim line monopole with the antennas mounted directly on the monopole to reduce visual impact. There are mature trees both on site and on neighboring properties and the visual impact is expected to be minimal.*

Zoning Regulations: The zoning designation of the project site is Restricted Industrial. The Land Use compatibility section of the City's Wireless Ordinance (Ordinance 2213) requires that freestanding monopoles located in the industrial areas obtain a Conditional Use Permit and co-location of wireless facilities obtain a Zoning Administrator Permit. The applicant proposes Sprint PCS and Metro PCS to co-locate on the proposed monopole. The construction of the monopole within the Sprint PCS lease area will be reviewed as a Conditional Use Permit and the co-location of Metro PCS on the monopole will be reviewed as a Zoning Administrator Permit subsequent to Conditional Use Permit approval by the Planning Commission.

All other conditions of the Wireless Ordinance shall apply and have been met by the applicant: Some specific examples include:

- **Standard H-3:** Freestanding monopoles shall be located and designed to minimize visual impacts. Although not all monopoles will be required to do so, monopoles in areas where adverse visual impact cannot be avoided, shall incorporate "stealth" techniques to camouflage them as piece(s) of art/sculpture, flag poles, or other interesting visual form that would not be considered an adverse visual impact.

Analysis: *The slim line monopole has been designed to minimize the visual impact of the monopole. The design will not create a significant visual impact for passing motor vehicles, as it is in a developed industrial area with mature trees.*

- **Standard H-13:** Proposed equipment cabinets may require screening from public view. Screening techniques may include landscape treatment, architectural treatment to make it compatible with existing buildings, or partially burying the cabinets.

Analysis: *The equipment shelters are located behind the existing warehouse building and will not be visible from the public right-of-way. A seven-foot high wall will surround the monopole and equipment cabinets. The equipment shelter will be painted to match the existing building.*

Parking/Circulation: Parcel 1 has 318 parking spaces. Fremont Municipal Code (FMC) Section 8-22003(c)(3) states: "Industrial uses not elsewhere listed and speculative buildings except speculative buildings declared warehouses--One space for each three hundred square feet of gross floor area." The existing building size is 80,302 square feet. The project site exceeds the parking requirement by 50 parking spaces. [$80,302 / 300 = 268$] The proposed lease areas will displace 4 parking spaces.

The project will not adversely impact parking or circulation. The applicant estimates that a technician will visit the site once a month for routine maintenance. The applicant will use the existing on-site parking spaces. Additional parking will not be required.

Site Planning: The monopole and equipment shelters are proposed to be located in an area that is encumbered by a 60-foot Yard Easement. Parcel Map 8108 shows a 60-foot Yard Easement on all four sides of the existing building on Parcel 1. Note A of Parcel Map 8108 states: "Existing Yard Easements per Series 83-117898 and 83-117899." Document 83-117899, the Covenant and Agreement Regarding Maintenance of Yard for Oversized Building, states:

"~ 4 yards of 60 feet in width, unobstructed from ground to sky, as shown on the attached plot plan. This Covenant and agreement shall run with the land and shall be binding upon ourselves, any future owners, encumbrances, their successors, heirs or assignees and shall continue in effect so long as said oversized building shall remain thereon or unless otherwise released by authority of the Chief Building Official."

The Chief Building Official authorizes the construction of the proposed facility within said Yard Easement subject to the following conditions:

1. Applicant to provide "alternate materials, design and methods for construction" justification form for the construction of the monopole and equipment shelters per California Building Code (C.B.C.) Section 104.2.8. (Condition # 5)
2. The equipment shelter construction standards must be accepted by both Building and Fire Departments during the Development Organization (building permit) review process. (Condition # 6)
3. No other structures shall be allowed on all four 60-foot non-buildable yard easements subsequent to this project. (Condition # 7)

Landscaping: There is an approximately 5-foot landscape strip between the existing industrial building and the proposed wall of the equipment shelter. Currently, there are some shrubs in the landscape strip, but directly adjacent to the proposed project site, there is no landscaping. Upon completion of the project, the landscape strip between the equipment shelter and the building will become non-usable space. The applicant shall provide a solution such as a fence or screen to treat the non-usable space. (Condition # 18)

Urban Runoff Clean Water Program: The applicant will be required to conform to the City's Urban Runoff Clean Water Program requirements for any new construction.

ENVIRONMENTAL ANALYSIS: The proposed project has been reviewed under the California Environmental Quality Act (CEQA) Guidelines and has been found to be exempt under Section 15303, New Construction or Conversion of Small Structures.

ENCLOSURES:	Exhibit "A"	Site Plans, Elevations, and Construction Details
	Exhibit "B"	Conditions of Approval
	Exhibit "1"	Photo simulations
	Informational 1	Parcel Map 8108

Informational 2	Document 83-117899, Covenant and Agreement Regarding Maintenance of Yard for Oversized Building
Informational 3	Applicant proposal letter

EXHIBITS:

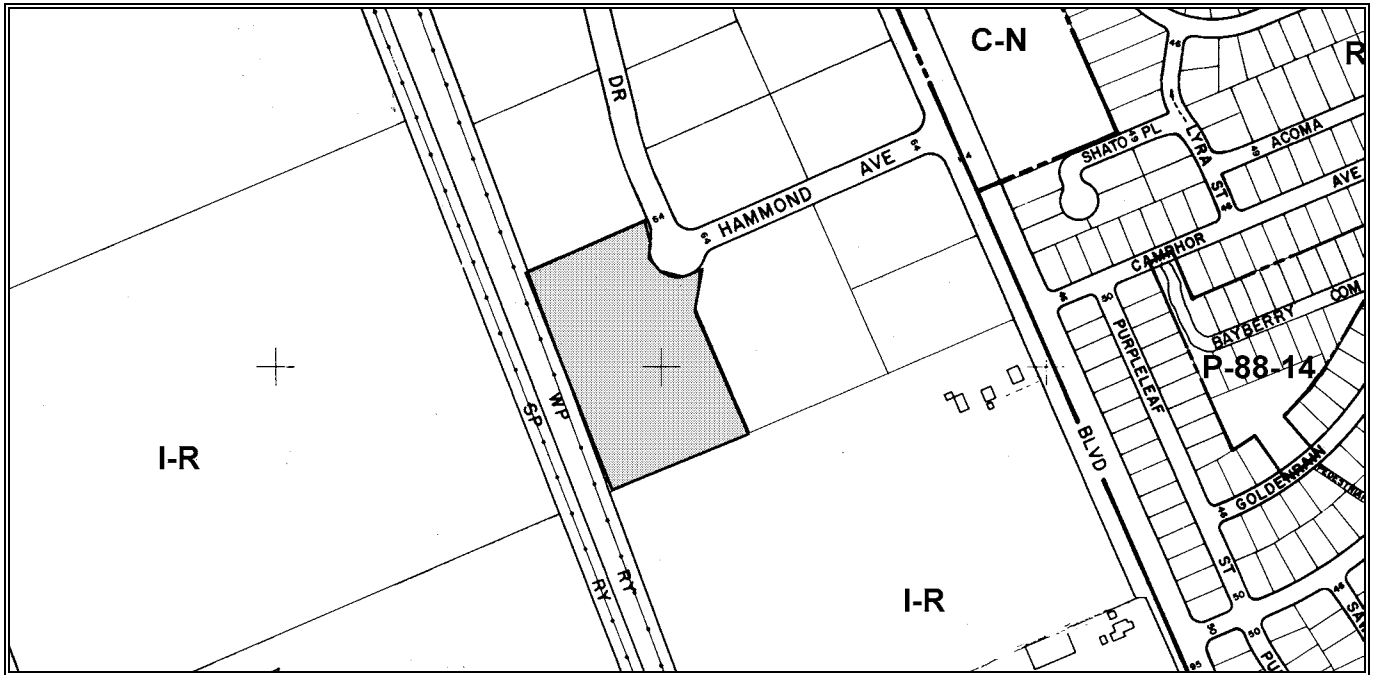
Exhibit "A"	Site Plans, Elevations, and Construction Details
Exhibit "B"	Conditions of Approval
Exhibit "C"	Color sample
Informational 1	Parcel Map 8108

Recommended Actions:

1. Hold public hearing.
2. Find PLN2005-00228 is exempt from CEQA review per Section 15303, New Construction or Conversion of Small Structures.
3. Find that PLN2005-00228 is in conformance with the relevant provisions contained in the City's General Plan. These provisions include the designations, goals, and policies set forth in the General Plan's Fundamental Goals, Land Use, and Natural Resource Chapters as enumerated within the staff report.
4. Find that PLN2005-00228 is in conformance with standards of the Wireless Telecommunications Ordinance (#2213).
5. Find that PLN 2005-00228 is in conformance with the zoning requirements of the I-R, Restricted Industrial zoning district.
6. Approve PLN2005-00228, subject to findings and conditions in Exhibit "B".

Existing Zoning

Shaded Area represents the Project Site



Existing General Plan

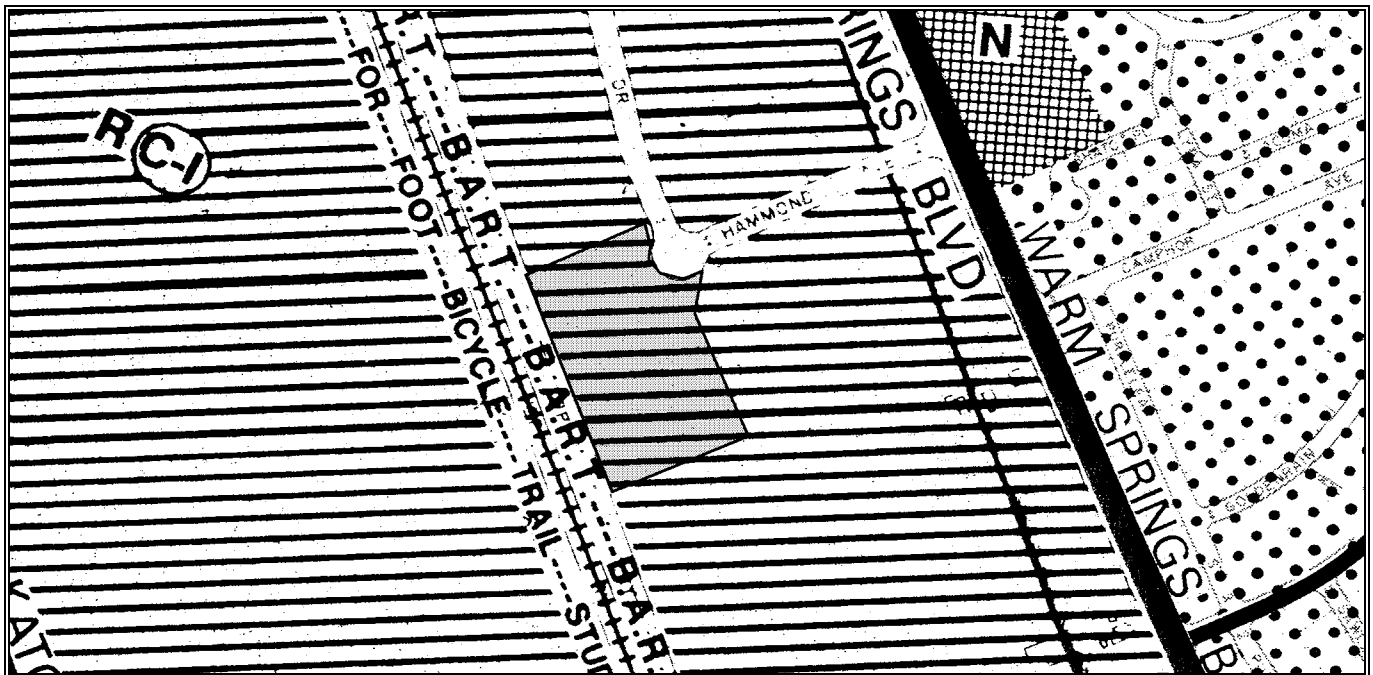


Exhibit "B"
Findings and Conditions of Approval for PLN2005-00228
Starlite Co-location Sprint PCS - Conditional Use Permit
47951 Westinghouse Drive

Findings:

1. The proposed use is consisted with the General Plan for the reasons provided in the staff report.
2. The site is suitable and adequate for the proposed use because the proposed telecommunications use serves the employees and businesses of the industrial area where the facility is located.
3. The proposed use and design would not have a substantial adverse impact on vehicular (including bicycle) or pedestrian circulation or safety, on transit accessibility, on the planned level of service of the street system because the trips generated by the proposed use are only expected to be monthly technician service; and the use will be served by existing public utilities already on site.
4. The proposed use would not have a substantial adverse economic effect on nearby uses because it would not reduce business activities or commercial uses in the area, nor detract from property values because it is a public utility service for telecommunications which supplements existing land-based telecommunications services.
5. The proposed use would not be detrimental to the general welfare of persons residing in the immediate vicinity, the neighborhood, or the community at large because the project is designed in a manner to be compatible with the surrounding uses and environment, and would not create nuisances because appropriate safety equipment and fencing is required, nor would the use degrade the environment because no residents or workers are located nearby who would be disturbed by the noise or facility activities. In addition, residents and businesses will benefit from improved telecommunications coverage, as will police and fire communications.
6. The design of the project is compatible with existing and proposed development in the districts and its surroundings because the monopole is designed to blend in with the background of the existing natural trees on adjacent parcels in the area and the telecommunication equipment will be located out of view from the public right-of-way.
7. The project will comply with the provisions of Article 27 of the Fremont Zoning Ordinance (Site Plan and Architectural Approval)

Conditions of Approval:

1. The project shall conform to Exhibit "A", Site Plan, Elevations, Constructions Details and Exhibit "C", the color and material samples.
2. Plans shall be submitted to the Development Organization for review to ensure conformance with relevant codes, policies, and other requirements of the Fremont Municipal Code.
3. This use permit shall take effect and be issued by the Planning Director within two years, upon the conclusion of review by the Development Organization and issuance of building permit. Should review by the Development Organization not be complete within two years, the permittee may apply for an extension of time.
4. The Planning Director is empowered to make minor modifications to this approval in keeping with overall intent hereof.
5. Applicant shall provide to the Development Organization "alternate materials, design and methods for construction" justification form for the construction of the monopole and equipment shelters per C.B.C. 104.2.8.
6. The equipment shelter construction standards must be accepted by both Building and Fire Departments during the Development Organization (building permit) review process.

7. No other structures shall be allowed on all four 60-foot non-buildable yard easements subsequent to this project.
8. The applicant shall submit the final color and material samples of the monopole to the Development Organization for approval.
9. Metro PCS will be subject to Zoning Administrator approval for co-location on the monopole. The site will be limited to two (2) wireless carriers for co-location.
10. If the Planning Director finds evidence that conditions of approval have not been fulfilled or uses has or have resulted in a substantial adverse effect the health, and/or general welfare of users of adjacent or proximate property, or have a substantial adverse impact on public facilities or services, the Planning Director may refer the use permit to the Planning Commission for review. If, upon such review, the Commission finds that any of the results above have occurred, the Commission may modify or revoke the use permit.
11. The applicant shall submit to the Development Organization data on battery capacity. The data shall include the amount of liquid in each battery and the total amount on-site including all existing batteries.
12. If the total storage capacity of battery(s) exceeds 50 gallons in unsprinklered building or 100 gallons in a sprinklered building, the applicant shall provide monitoring of the ventilation system. In the event of a failure of the ventilation system, an alarm/notification to a constantly attended central station and/or automatic disengagement of charging system shall occur. Other mitigation required by California Fire Code Articles 64 and 80 shall still apply.
13. The applicant shall submit to the Development Organization a Hazardous Material Disclosure Statement (Form 3205).
14. The applicant shall meet all requirements in the 2001 California Fire Code and all local amendments to that code in Ordinance #2485.
15. The applicant shall submit to the Development Organization a statement as to how Best Management Practices will be implemented to prevent pollution of storm water during project construction.
16. The applicant shall be responsible for maintenance of the telecommunications facility in a condition free of graffiti, and for expeditious removal of any graffiti, and repair of any damage caused by vandalism to any portion of the monopole, antennas, and equipment.
17. The facility shall comply at all times with the applicable provisions of Ordinance No. 2213 and the Development Standards for Siting of Wireless Telecommunication Facilities.
18. The applicant shall provide a solution such as a fence or screen to treat the non-usable space between the proposed equipment shelters and the existing warehouse building, subject to review by staff during the Development Organization review process.
19. Any provider that considers buying, leasing, or transferring ownership of this facility shall submit a letter of notification to the Planning Director.
20. The provider shall provide written notification to the Planning Director upon cessation of operations on-site. The provider shall remove all obsolete or unused facilities from the site within six months of termination of its lease, cessation of operations or expiration of its permit. Should the provider fail to effect such removal, the property owner shall be responsible.
21. Construction activities shall occur only during the following hours:
 - 7 a.m. to 7 p.m. Monday thru Friday
 - 9 a.m. to 6 p.m. Saturday and Sunday